

Chapter 12.40

CEMETERIES AND BURIALS

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12.40.010 Name designated. The property belonging to the city and now being used for cemetery purposes or which may hereafter be acquired for cemetery purposes by the city shall be known as Floral Hill Cemetery,” and such property is set apart, dedicated and established as a cemetery for burial purposes to be kept and controlled by the city. (Prior code § 9.101).

12.40.020 Numbering and price fixing of lots. The city council shall cause all the unsold lots in the cemetery to be numbered and shall fix a value on each lot to be determined by its location and surroundings and no lot shall be sold for a greater sum than is authorized by the city council. (Prior code § 9.102).

12.40.030 Duties of cemetery sexton. The cemetery sexton shall have charge of the keeping of records of Floral Hill Cemetery and shall keep a detailed record showing the number of each lot in the cemetery, name of the purchaser, price of the lot, date of sale, the name, age, sex, nationality, and date of death of every person interred in the cemetery and the number of the lot in which each such person is interred. (Ord. 81-65 § 1, 1980: prior codes 9.104).

12.40.031 Regulation of use of burial plots. The cemetery sexton, in consultation with the cemetery committee of the city council, shall promulgate rules and regulations regarding the uses of burial plots, including, but not limited to, type and placement of head and foot stones, plantings, grave decorations or ornaments, footings, urns, basepads, holders for flowers and decorations, and directions in which head and foot stones shall be placed. All such rules and regulations recommended by the cemetery committee shall be

presented to the city council for their approval. Upon approval by a majority of the city council, the rules and regulations, or any changes and amendments which may be promulgated from time to time, shall be published in a newspaper of local circulation and a copy provided each prospective purchaser of a burial plot. After publication, these rules and regulations shall have the same force and effect of any other ordinance, as if fully set forth herein, except that no rule or regulation shall operate to invalidate or modify any other ordinance now or hereafter set forth in this chapter. The cemetery sexton shall be responsible for enforcing the ordinance codified in this section and other ordinances set forth in this chapter. (Ord. 84-13 § 1, 1983).

12.40.040 Procedure for purchase of lots. Any person desiring to purchase a lot in the cemetery shall pay the price thereof as set and fixed from time to time by the city council, which amount shall be paid to the cemetery sexton, who shall thereupon have the clerk of the city issue a deed to such person or persons for the lot.' (Ord. 81-67 § 1, 1980: prior code § 9.103).

12.40.050 Certificate of death required from attending physician. It shall be the duty of the attending physician when any person dies in this city to make to the city clerk, within twenty-four hours thereafter, a written report stating the name, age, sex, residence and cause of death of the deceased, specifying particularly the disease. (Prior code § 9.107).

12.40.060 Burial permit required — Vault requirements. No dead human body shall be taken from the city for interment nor shall any such body be interred at any place in the city cemetery or any other cemetery until a permit has been first obtained from the State Registrar or Deputy Registrar of the state. No burial shall be made within a wooden box in the city cemetery. All burials shall be made in a vault constructed of cement, steel, copper or fiberglass, or in the case of infants under one year old, styrofoam. Any undertaker, sexton or any other person violating the provisions of this section shall be punished as provided in this chapter. (Ord. 81-59 § 1, 1980: prior code § 9.106).

12.40.061 Rules and regulations for perpetual care donations. The Cemetery Committee has formulated the following rules and regulations to reflect these customs and procedures, and the following rules and regulations are hereby promulgated:

- A. Only interest earned off perpetual care gifts and bequests is utilized by the city for perpetual care requests.
- B. Specific requests for utilization of monies earned by the city through investment shall be accepted only at the time of the initial gift or bequest. No modification of requests shall be permitted. Requests must be commensurate with the expected income as determined from time to time by the city.
- C. If no specific request is received at the time the gift is made, an urn with flowers will be provided.
- D. If a request is made, the donor may request that the funds may be used for an urn, a grave blanket, or a combination of the above. The city will, as far as practical, try to comply with the request but reserves the right to modify and substitute depending on costs, expenses, and return on investment. (As an example, a gift of \$3,000 can be

designated to be used as follows: income from \$1,500 to be used for an urn; income from \$1,500 can be used for a grave blanket.) No designations will be accepted for gifts of less than \$1,500 increments.

E. The city reserves the right to modify, alter, or amend these rules as may be necessary to comply with investment earnings, costs, and expenses, or changes in laws, statutes or ordinances. (Ord. 91-16, 1991; Ord. 94-4, 1994; Ord. 2007-9, 2007).

12.40.070 Burials on public holidays. Effective September 1, 1979, there shall be no funerals on the following legal holidays:

New Year's Day

Good Friday

Easter Sunday

Decoration Day

Declaration of Independence Day

Labor Day

Thanksgiving Day

Friday immediately following Thanksgiving

Christmas Day

or the date of celebration of said holiday in the event that said holiday falls on a Sunday, except however, in an emergency case the above resolution may be waived by the consent of any two members of the cemetery committee. (Ord. 79-23 § 3, 1979; Ord. 548 § 3, 1977).

12.40.080 Burials outside of cemetery prohibited. The body of a deceased human being shall not be buried within the city in a place not actually set apart as a cemetery. (Prior code § 9.108).

12.40.090 Establishing new cemeteries. No person shall establish or open a new cemetery within the city or within one and one-half miles of the city without the approval of the city council first had and obtained. (Prior code § 9.109).